



Docket No.: 1293.1196

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byung-in MA, et al.

Serial No. 09/817,754

Group Art Unit: 2655

Confirmation No. 7872

Filed: March 27, 2001

Examiner: Gautam Patel

For: AN APPARATUS GENERATING A SEEK DIRECTION DETECTING SIGNAL FOR AN
OPTICAL PICKUP USING TRACK CROSS AND TRACK ERROR SIGNALS (As
Amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed
May 20, 2005.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must
be taken to ensure that statements of reasons for allowance (or
indication of allowable subject matter) are accurate, precise and
do not place unwarranted interpretations, whether broad or narrow
upon the claims. The examiner should keep in mind the possible
misinterpretations of his or her statement that may be made and its
possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner
has not recited the appropriate language for the appropriate claims as pending and allowed in
the application.

By way of example, the Examiner recites "two beams [not three] and main beam and
sub-beam are aligned along the same track [i.e. center of both beams is near the center of the

track] and generates a seek direction detecting signal from phase difference between the track cross signal and the track error signal", thereby indicating that the exact language is used in the claims. However, the exact language in claim 1 is not the same as that in the quotes of the Examiner's statement of reasons for allowance, either inside or outside of the brackets.

Further, the Examiner adds language [not three] after "two beams." However, claim 1 recites "at least two beams" thereby not being restricted to [not three].

Also, the Examiner includes the language [i.e. center of both beams is near the center of the track] in attempting to interpret the language "aligned along the same track." However, the claim language of claim 1 does not mention the center of both beams being near the center of the track and merely recites the language "to be aligned along the same track of the optical disk." The Examiner appears to be attempting to insert additional claim language into the claims.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 8/19/05

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